REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 3-7, 9-16, and 18-20 remain pending. Claims 3, 7, and 12 are independent.

SCOPE OF CLAIMS NOT ALTERED

Claims 3, 7, and 12 stand objected to for minor informalities. *See Final Office Action, page 2, Item 3.* These claims have been amended (not strictly in the manner suggested by the Examiner) merely to address the informal issues raised and to enhance clarity. It is intended that the scope of the claims remain substantially the same.

§ 102 REJECTION – ITOI

Claims 3-7, 9-16, and 18-20 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Itoi (Publication No. US 2001/0012440). Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Itoi fails to teach or suggest each and every claimed element. For example, independent claim 3 recites, in part "a first storage medium for storing the received contents." Independent claims 7 and 12 also recite a first storage medium.

Contrary to the Examiner's assertion, Itoi cannot be relied upon to teach or suggest at least this feature.

Itoi is directed toward a data decoding and recording apparatus which receives and decodes a digital broadcast and records contents of the digital contrast. *See Itoi, paragraph 0002.* Itoi discloses that the data decoding recording apparatus includes a set top box (STB) 1, and a plurality of recording apparatus including a hard disk drive 2, an optical disk drive 3, and a video tape recorder 4. *See paragraph 0028.* Itoi discloses that the digital broadcasting radio wave is received and de-modulated by a tuner section 12, which outputs the resulting data as a transport stream TS as prescribed in the MPEG-2. *See paragraph 0031.* Under the control of the general control section 11, the transport stream TS may be recorded to one or more of the hard disk drive 2, optical disk drive 3, and the video tape recorder 4. The general control section 11 first reads the copy control code of the content to determine whether or not copying is allowed. Itoi discloses that the copy control code is a two-bit code signifying free copying (00), single copy only (10), and no copy allowed (01 or 11). *See paragraph 0035.*

If unlimited copying is allowed, i.e., the copy control code is 00, then the content is recorded onto the hard disk drive 2. *See paragraph 0038.* If the control code indicates no copy allowed, i.e., 01 or 11, the contents are not recorded to any of the recording apparatus.

However, if the control code indicates that a single copy is allowed, i.e., control code is 10, the contents are recorded to either the optical hard disk 3 or the video tape recorder 4. *See paragraph 0039.* The control code of the contents written to either the optical hard disk 3 or the video tape recorder 4 is then changed to 01 or 11, representing inhibition of copying so that no further copying is allowed. *See paragraph 0043.*

In the final Office Action, the Examiner asserts that the tuner section 12, as shown in Figure 1, is equivalent to the first storage medium as claimed. However, it is noted that there is no storing function performed by the tuner section 12. Paragraph 0031, cited by the Examiner, merely discloses that the tuner section 12 receives the digital broadcasting radio wave, performs decoding, and outputs the resulting data as the transport stream TS. No separate storing function is performed by the tuner section 12. Therefore, Itoi cannot be relied upon to teach or suggest the first storage medium as claimed in the independent claims.

Independent claim 3 also recites, in part, "mutual authentication is performed between the first storage medium and the second storage medium." Independent claim 7 and 12 also recite a similar feature. Clearly, Itoi cannot be relied upon to teach or suggest mutual authentication between the first and second storage mediums as claimed since Itoi cannot be relied upon to teach or suggest the first storage medium as claimed.

Further, the Examiner's statement with regards to the mutual authentication feature is inconsistent. The Examiner states "the CPU has to perform the mutual authentication before contents are recorded between STB and one of the recording medium 2-4." *See Final Office Action, page 4, lines 13-14.* It is difficult to understand how a single element CPU can perform mutual authentication. Clearly, this statement is antithetical to itself. Therefore, Itoi cannot be relied upon to teach or suggest at least this feature.

Further, the Examiner relied upon paragraph 0043 to assert that Itoi teaches increasing by one time the possible number of copies of the contents as recited in independent claims 3, 7 and 12. This reliance is misguided. Itoi specifically discloses that the copy control code is changed from code indicating a single copy "10" to the code indicating inhibition of copies "01 or 11" to achieve, in Itoi's own words, "to realize permission of copying only once." In other words, Itoi merely discloses that the status of the contents copying control code is changed from single copy allowed to no copies allowed after the single copy is made to the optical disk 3 or to the video tape recorder 4. Paragraph 0043 cannot be relied upon to teach or suggest increasing the possible number of copies of the contents as claimed.

Independent claim 12 further recites "reading a set value of a moving determination bit...if a user demands moving contents from a first storage medium to a second storage medium." *Emphasis added.* In the final Office Action, the Examiner

asserts that the copy control code is equivalent to the moving determination bit as claimed. This fails for at least the following reasons.

First, the copy control code as disclosed in Itoi merely indicates whether copying of the contents will be allowed or not. The copy control code provides no information whatsoever regarding whether a user desires for the actual copying to take place. Clearly, the copy control code as disclosed in Itoi cannot be equivalent to the moving determination bit as claimed. Second, Itoi cannot be relied upon to teach or suggest the first storage medium as claimed. Thus, there can be no moving contents from the first storage medium.

For at least the above stated reasons, independent claims 3, 7 and 12 are distinguishable over Itoi. Claims 4-6, 9-11, 13-16 and 18-20 depend from independent claims 3, 7 and 12 directly or indirectly. Therefore, for at least the reasons stated with respect to independent claims 3, 7 and 12, these dependent claims are also distinguishable over Itoi.

The dependent claims are also distinguishable over Itoi on their own merit. For example, claims 4, 10, and 19 recite that the copy control code is converted to a single copy if the copy control code is determined to indicate no copies. Again, the Examiner reliance on paragraph 0043 of Itoi is misguided. More specifically, Itoi discloses that if the copy control code indicates a single copy, the code is converted to no copies. This is completely the reverse of the feature as recited in claims 4, 10, and 19.

Claims 5, 11, 13, and 16 recite that the processor deletes the original contents of the first storage medium after the contents move to the second storage medium. As noted above, Itoi does not teach or suggest the first storage medium as claimed. Therefore, it logically follows that Itoi cannot be relied upon to teach or suggest deleting the contents from the first storage medium as claimed. Also, the Examiner's reliance on paragraph 0038 is misguided. Itoi discloses, in this paragraph, that the contents are erased from the hard disk drive after time shift enjoyment is performed. However, by the Examiner's own assertion, hard disk drive is equivalent to the second storage medium. Thus, by even the Examiner's own admission, Itoi cannot be relied upon to teach or suggest at least this feature.

Claim 14 recites, "wherein the moving determination bit is set using a bit of the packet." The Examiner relies upon paragraph 0063 of Itoi to allegedly teach this feature. However, this paragraph of Itoi merely discloses that some data streams may be stuffed with stuffing bit. Again, this stuffing bit provides no information whatsoever regarding whether or not the user has indicated that a copy is desired. Also, it is to be noted that to the extent the Examiner is asserting the stuffing bit is equivalent to the moving determination bit as claimed in claim 14, this rejection is inconsistent with the rejection of independent claim 12, where the Examiner asserts that the copy control code is equivalent to the moving determination bit. Therefore, Itoi cannot be relied upon to teach or suggest at least this feature.

For at least the reasons stated above, all pending claims are distinguishable over Itoi. Applicant respectfully request that the rejection of claims 3-7, 9-16, and 18-20 based on Itoi be withdrawn.

CONCLUSION

All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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